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10/049,272

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Gabriel Daemon Engel

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TWO NORTH MARKET STREET, THIRD FLOOR

SAN JOSE, CA 95113

EXAMINER

NGUYEN, KEVIN M

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2629

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | |
|------------------------------|-------------------------------|------------------------------|--|
| Office Action Summary | Application No. 10/049,272 | Applicant(s) ENGEL ET AL. | |
| | Examiner Kevin M. Nguyen | Art Unit 2629 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 August 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 84-119 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 84-119 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Request for Continued Examination

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 8/21/2007 has been entered. An action on the RCE follows:

Status of claims: claims 84, 96 and 108 are amended, thus claims 84-119 are pending.

In view of applicant's argument filed on 8/21/2007, the drawing objections stand withdrawn.

Response to applicant's amendment filed on 8/21/2007, the applicant's arguments with respect to the rejection of claims 84-119 under 35 USC 112, first paragraph, have been fully considered and are not persuasive. These stand and are repeated from the last Final office action, and the applicant's arguments with respect to the amended claims 84-119 have been fully considered and are not persuasive. The amendment necessitated the new grounds of rejection presented in this office action.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 84-119 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

As per claims above, the applicant introduces new subject matter which does not read in light of the specification into the claim 84, such as claimed features "an active display screen" as recited in independent claim 84, line 6; "transition" as recited in dependent claim 89, line 2; "active display screen" and "second input" as recited in independent claim 96, line 7; "transition" as recited in dependent claim 101, line 2; "adjusting" as recited in depend claim 102, line 3; "active" and "second input" as recited in independent claim 108, line 3 and line 9.

The original disclosure does not support the new subject matter as indicated above. Applicant is required to cancel the new matter in the reply to this Office Action.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 84-119 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Where applicant acts as his or her own lexicographer to specifically define a term of a claim contrary to its ordinary meaning, the written description must clearly redefine the claim term and set forth the uncommon definition so as to put one reasonably skilled

in the art on notice that the applicant intended to so redefine that claim term. *Process Control Corp. v. HydReclaim Corp.*, 190 F.3d 1350, 1357, 52 USPQ2d 1029, 1033 (Fed. Cir. 1999). “An active display screen” as recited in independent claim 84, line 6; “transition” as recited in dependent claim 89, line 2; “active display screen” and “second input” as recited in independent claim 96, line 7; “transition” as recited in dependent claim 101, line 2; “adjusting” as recited in depend claim 102, line 3; “active” and “second input” as recited in independent claim 108, line 3 and line 9. The above-identified terms are indefinite because the specification does not clearly redefine the term. Applicant is required to cancel the new matter in the reply to this Office Action.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. **Claims 84-119** are rejected under 35 U.S.C. 102(e) as being anticipated by **Wilks et al** (US 6,246,407, hereinafter **Wilks**).
2. **Claim 84, Wilks** teaches a system comprising: a multi-component display (a multi-state window, see col. 2, lines 10-30) comprising: a first display screen (14); and a second display screen (26) overlapping said first display screen (14, see col. 2, lines 10-30), and a user interface component (a cursor) for designing at least one of said first

and second display screen as an active display screen for responding to an input (see col. 3, lines 5-18, and col. 3, line 53 to col. 4, line 17).

Claim 85, Wilks teaches said user input device is a mouse, col. 3, line 46.

Claim 86, Wilks teaches said user input device is a touchscreen, col. 3, lines 46-47.

Claim 87, Wilks teaches said user input device is a pen, col. 3, line 47.

Claim 88, Wilks review said user interface component is operable to designate said at least one active display screen in response to a sound (col. 1, lines 40-50 disclosing a video game, which inherently has a sound).

Claim 89, Wilks teaches the transition from one state to the other may be done in multiple steps range from 2 to several hundred steps, linearly, ect. (col. 4, lines 35-37).

Claim 90, Wilks teaches wherein said input is operable to adjust said display of said graphical object on said at least one active display screen, as discussed in col. 3, lines 12-18.

Claim 91, Wilks teaches said graphical object comprises an icon 20.

Claim 92, Wilks reviews said graphic object is associated with a video game application, col. 1, lines 40-50.

Claim 93, Wilks teaches said graphical object is associated with a graphic application (the graphic user interfaces, GUIs, col. 1, lines 57-59).

Claim 94, Wilks teaches said input comprises a user input, as discussed in col. 3, lines 43-49.

Claim 95, Wilks teaches said user input comprises an input to said user interface component, as discussed in col. 3, lines 43-49.

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Claim 96, Wilks teaches a method of designating at least one active display screen in a multi-component display (a multi-state window, see col. 2, lines 10-30), said method comprising: detecting a first input from a user interface component (a computer mouse); determining at least one display screen (14) of said multi-component display (said multi-state window) associated with said first input; and designating said at least one display screen (26) of said multi-component display screen (said multi-state window screen) for responding to a second input (cursor position #3, see fig. 2, col. 3, lines 5-18 and col. 3, line 53 to col. 4, line 16).

Claim 97 shares the same limitations as those of claim 85 and therefore the rationale for rejection will be the same.

Claim 98 shares the same limitations as those of claim 86 and therefore the rationale for rejection will be the same.

Claim 99 shares the same limitations as those of claim 87 and therefore the rationale for rejection will be the same.

Claim 100 shares the same limitations as those of claim 88 and therefore the rationale for rejection will be the same.

Claim 101 shares the same limitations as those of claim 89 and therefore the rationale for rejection will be the same.

Claim 102 shares the same limitations as those of claim 90 and therefore the rationale for rejection will be the same.

Claim 103 shares the same limitations as those of claim 91 and therefore the rationale for rejection will be the same.

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Claim 104 shares the same limitations as those of claim 92 and therefore the rationale for rejection will be the same.

Claim 105 shares the same limitations as those of claim 93 and therefore the rationale for rejection will be the same.

Claim 106 shares the same limitations as those of claim 94 and therefore the rationale for rejection will be the same.

Claim 107 shares the same limitations as those of claim 95 and therefore the rationale for rejection will be the same.

Claim 108, the limitation of claim 108 is similar to those of claim 96, though in computer-readable program instructions form (col. 8, lines 30-33), therefore the rejection of claim 108, will be treated using the same rationale as claim 96

Claim 109 shares the same limitations as those of claim 85 and therefore the rationale for rejection will be the same.

Claim 110 shares the same limitations as those of claim 86 and therefore the rationale for rejection will be the same.

Claim 111 shares the same limitations as those of claim 87 and therefore the rationale for rejection will be the same.

Claim 112 shares the same limitations as those of claim 88 and therefore the rationale for rejection will be the same.

Claim 113 shares the same limitations as those of claim 89 and therefore the rationale for rejection will be the same.

Claim 114 shares the same limitations as those of claim 90 and therefore the rationale for rejection will be the same.

Claim 115 shares the same limitations as those of claim 91 and therefore the rationale for rejection will be the same.

Claim 116 shares the same limitations as those of claim 92 and therefore the rationale for rejection will be the same.

Claim 117 shares the same limitations as those of claim 93 and therefore the rationale for rejection will be the same.

Claim 118 shares the same limitations as those of claim 94 and therefore the rationale for rejection will be the same.

Claim 119 shares the same limitations as those of claim 95 and therefore the rationale for rejection will be the same.

Response to Arguments

3. Applicant's arguments with respect to claims 84-119 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin M. Nguyen whose telephone number is 571-272-7697. The examiner can normally be reached on MON-THU from 9:00-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard A. Hjerpe can be reached on 571-272-7691. The fax phone

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number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Kevin M. Nguyen/
KEVIN M. NGUYEN
Examiner
Art Unit 2629

KMN
October 11, 2007